

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:15-CR-374
	:	
Plaintiff,	:	JUDGE JAMES S. GWIN
	:	
v.	:	
	:	
BARBARA CLARK,	:	<u>DEFENDANT'S MOTION FOR</u>
	:	<u>TERMINATION OF SUPERVISED</u>
	:	<u>RELEASE</u>
Defendant.	:	
	:	

Defendant, through counsel, respectfully moves this Honorable Court for early termination of her supervised release term, pursuant to 18 U.S.C. § 3583(e)(1). In October of 2015, Ms. Clark pled guilty to a one-count information in the above-captioned case, in violation of 18 U.S.C. § 641. Ms. Clark remained on bond during the entire duration of her case without any violations. On February 17, 2016, this Court sentenced Ms. Clark to a term of six months of custody. Dkt. 19, PageID 159. Ms. Clark was given the opportunity to self-report to the prison, and served her entire custodial sentence; she was released from the Bureau of Prisons on November 2, 2016. She then began a three-year term of supervised release. Dkt. 19, PageID 160.

Immediately after being released from the Bureau of Prisons, Ms. Clark entered the hospital for twelve days. While in the Bureau of Prisons, Ms. Clark contracted pneumonia, which the prison failed to properly treat. Ms. Clark also developed a severe infection in her toe while in the Bureau of Prisons, which also was not properly treated. As a result of the infection, she was forced to have the toe amputated only weeks after her release from custody. Since that time, Ms. Clark has had continuous health issues, many of which were documented in her original

sentencing memorandum. Dkt. 16. Her most frequent health issues relate to the swelling in her knees and lower legs, her congestive heart failure, her kidney disease, her COPD, and her Hepatitis C. Ms. Clark takes a plethora of medications and routinely sees medical professionals for these ailments.

Since November 2016, Ms. Clark has diligently followed the terms of her supervised release. Over the last twenty months, Ms. Clark has not had any supervised release violations. Because of her disabilities and poor health condition, she is unable to work. She is making payments to restitution every month, as documented and monitored by the Probation Officer. Defense counsel has spoken with her Probation Officer, who has indicated Ms. Clark is compliant with the terms of her supervised release, and that the Officer does not oppose the request for early termination.

Based on her progress during her supervised release term, Ms. Clark requests this Court grant her an early termination of supervised release. Title 18 U.S.C. § 3583(e)(1) details motions regarding early termination of supervised release and states that the Court, after considering the § 3553(a) factors, may:

terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

Based on these considerations and the progress Ms. Clark has made over the last 20 months of her supervised term, Ms. Clark requests that this Court grant this motion and terminate her supervised release.

Respectfully submitted,

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/s/ Jeffrey B. Lazarus

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2018, a copy of the foregoing Motion for Termination of Supervised Release was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Jeffrey B. Lazarus

JEFFREY B. LAZARUS (0079525)
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